**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pro-Ko Properties, Inc. :

:

v. : C-2022-3032078

:

PPL Electric Utilities Corporation :

**ORDER**

**DIRECTING THE COMPLAINANT TO OBTAIN COUNSEL**

On April 21, 2022, Pro-Ko Properties, Inc., through its business owners, James Davenport and John Prokopchak (Complainant)[[1]](#footnote-1), filed a formal complaint with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL). Complainant averred that it called PPL seven weeks prior to the filing of its complaint, and its electric service had not yet been turned on. Complainant further averred it was placed on a “42-minute hold” when it called PPL for updates regarding its service. Complainant requested $3,000+ for damages due to PPL’s failure to activate service; that PPL turn Complainant’s power on; that PPL change customer service policies that result in 7+ week activation; that PPL change customer service policies that result in 42-minute wait times on calls to speak with an agent; and that the Commission terminate PPL’s contract and award a new supplier if PPL failed to address Complainant’s requests. Complainant attached to its complaint an email dated April 20, 2022 expressing concern to PPL regarding the amount of time Complainant was waiting for its electricity to be turned on, and outlining alleged damages sustained to date due to “delayed sales and marketing costs.”

The complaint was served on PPL on April 25, 2022. On May 16, 2022, PPL filed a timely answer to the complaint. In its answer, PPL denied that its response to Complainant’s request for service was inadequate. PPL averred that Complainant requested service on February 14, 2022, and PPL began providing electric service at the service address on April 25, 2022. PPL further averred that the Commission has no jurisdiction to award monetary damages. PPL requested that the complaint be denied in its entirety and with prejudice.

Also on May 16, 2022, PPL filed preliminary objections, accompanied by a notice to plead, in response to Complainant’s complaint. In its preliminary objections, PPL reiterated its argument that the Commission does not have authority to award damages and requested that Complainant’s request for damages be summarily dismissed pursuant to 52 Pa. Code § 5.101(a)(2). Complainant did not file a response to PPL’s preliminary objections. PPL’s preliminary objections were granted via my Order dated June 10, 2022.

On June 10, 2022, the Commission served an initial telephonic hearing notice setting a formal call-in telephonic hearing for this matter for August 16, 2022 at 10:00 a.m. and assigning me as the presiding officer. In anticipation of the hearing, I served a prehearing order on June 10, 2022, setting forth hearing information and the rules that will govern the proceeding.

My prehearing order also advised that, as Pro-Ko Properties, Inc. is a corporation, it was required to obtain an attorney to represent it at the hearing. 52 Pa. Code §§ 1.21, 1.22. In the prehearing order, Pro-Ko Properties, Inc. was instructed to have an attorney enter his or her appearance no later than July 13, 2022. An attorney did not enter an appearance on behalf of Pro-Ko Properties, Inc.

On August 9, 2022, PPL filed a motion to dismiss Complainant’s complaint for failure to obtain counsel pursuant to the Commission’s regulations and my June 10, 2022 prehearing order. In the alternative, PPL requested that the complaint be held in abeyance until counsel is obtained.

On the evening of August 15, 2022, Mr. Davenport and Mr. Prokopchak sent an email to me and PPL stating that they did not “object to the removal of Pro-Ko Properties, Inc. as Plaintiff.” Pro-Ko Properties, Inc. email, dated August 15, 2022 at 5:22 p.m. Mr. Davenport and Mr. Prokopchak further stated that they would remove the request for monetary damages, and the request to turn the power on, from their complaint, as PPL had turned on the electric service at the service location.

The August 16, 2022 hearing was held as scheduled. James Davenport and John Prokopchak appeared on behalf of Pro-Ko Properties, Inc. Lindsay A. Berkstresser, Esquire, appeared on behalf of PPL. The parties placed their respective arguments on the record regarding whether Pro-Ko Properties, Inc. was required to have an attorney. I decided that, given that the complaint listed Pro-Ko Properties, Inc. as a customer, and the subject matter of the complaint concerned a property that Pro-Ko Properties Inc. was seeking to renovate and sell, Pro-Ko Properties, Inc. is required to be represented by counsel to proceed with the litigation of its complaint. 52 Pa. Code § 1.21, 1.22. Pro-Ko Properties, Inc. was given 30 days, or until September 15, 2022, to obtain counsel. I advised that if an attorney has not entered an appearance by September 15, 2022 and I have not heard from the Complainant, I will entertain the motion filed by PPL and dismiss the complaint. I further advised the parties that an attorney is not required to engage in settlement discussions, and the parties were permitted to discuss the potential settlement of this matter at any time.

This Order memorializes what was directed at the August 16, 2022 hearing.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Pro-Ko Properties, Inc. have an attorney enter his or her appearance on its behalf no later than September 15, 2022. If an attorney entrance of appearance is received by that date, a hearing will be scheduled for testimony and evidence regarding the complaint.
2. That if an attorney does not enter his or her appearance by September 15, 2022, the complaint will be dismissed pursuant to 52 Pa. Code 1.21 and 1.22.
3. That it is the Commission’s policy to encourage settlements. 52 Pa. Code § 5.231(a). The parties are not required to obtain counsel to engage in settlement discussions and are encouraged to discuss the potential resolution of this matter. If the parties reach a settlement, I ask that they let me know.

Date: August 16, 2022 /s/

Charece Z. Collins

Administrative Law Judge

**C-2022-3032078 – PRO-KO PROPERTIES, INC V. PPL ELECTRIC UTILITIES CORPORATION**\*JAMES T DAVENPORT  
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1. On the “customer name” line of the complaint is listed, “Jim Davenport & John Prokopchak/Pro-Ko Properties, Inc.” [↑](#footnote-ref-1)